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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CARTER, AARON W	
		ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/603,615	TAKEMOTO, FUMITO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aaron W. Carter	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 May 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 26 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This action is responsive to papers filed on 5/14/07.

### ***Response to Amendment***

2. In response to applicant's amendment received on 5/14/07, all requested changes to the specification and claims have been entered. Claims 7-20 have been added.

### ***Response to Arguments***

3. Applicant's arguments filed 5/14/07 have been fully considered but they are not persuasive.

4. Applicants argue that the prior art of Hara does not teach or fairly suggest the two images disclosed by Hara are combined or synthesized, as disclosed in the limitations of claim 1.

The Examiner disagrees. Based on the broadest reasonable interpretation of the limitation (*In re Morris*, 127 F.3d 1048 (Fed. Cir. 1997)), the prior of Hara generates image data and receives image data from the destination, the image data received and generated are shown on the LCD display at the same time which, in the broadest reasonable interpretation of the limitation, corresponds to synthesizing or combining the images for display on the LCD display, see paragraphs 84, 86 and 87.

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5. Applicants argue that the prior art of Kamata does not teach or fairly suggest that the images being combined are the one that is received and another one that is obtained in the combining device, as disclosed in the limitations of claim 1.

The Examiner disagrees. The prior art of Kamata discloses receiving image data from each of the terminals, combining or synthesizing each of the images received into a composite image and then sending the composite back to each of the terminals (column 5, line 63 – column 6, line 2). Therefore the first image data of a hypothetical user at a first terminal is combined with other image data transmitted by other portable terminal apparatuses to obtain a synthesized image or composite image and the composite image is then displayed on the first terminal display.

6. Applicants argue that the prior art of Kamata does not teach or fairly suggest, “combining an image obtained by photography”, as disclosed in the limitations of claim 1.

The Examiner disagrees. The Merriam-Webster’s dictionary defines photography as the art or process of producing images on a sensitized surface. Obtaining video is a process of producing images on a sensitized surface. Therefore image data obtained by Kamata using video corresponds to image data obtained by photography.

7. In response to applicant’s argument that the proposed modification changes the principle operation of Hara, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what

the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

8. Applicants argue that the prior art of Kamata does not teach or fairly suggest cutting a portion of the video stream as disclosed in the limitations of claim 2.

The Examiner disagrees. The prior art of Kamata discloses reducing the size of the images obtained through the video to produce a composite image that matches the size of the display (column 6, lines 14-19). Kamata further discloses that the process of reducing the size of the images includes sampling the X and Y coordinates of the image to be reduced accordingly with the ratio of the final image desired (column 10, lines 13-25). The process of sampling removes pixels of image to produce a reduced size image, wherein removing pixels of the image corresponds to cutting a portion of the images (column 10, lines 26-34).

### ***Claim Objections***

9. Claim 5 is objected to because of the following informalities:

As to claim 5, in line 9, the term “mean” is grammatically incorrect and should be changed to the term “means”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 13-15 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 2001/0012051 to Hara et al. (“Hara”).

As to claim 13, Hara discloses a system for image data processing in portable terminals comprising:

A first portable terminal which obtains first image data (*paragraph 84, wherein the destination terminal corresponds to the first portable terminal which obtains an image*); and

A second portable terminal which receives the first image data (*paragraph 84, wherein the image data from the destination terminal is received and displayed*), obtains a second image data (*paragraph 84, wherein image being taken by the imaging section corresponds to obtaining a second image data*), combines the first image data and the second image data to obtain synthesized image data, and displays the synthesized data on a display of the second portable terminal (*paragraph 0084, 0086 and 0087 wherein image data received from the destination is displayed with the image data being taken by the imaging section in a small window on the LCD which, using the broadest reasonable interpretation of the limitation (In re Morris, 127 F.3d 1048 (Fed. Cir. 1997)), corresponds to combining the images to obtain synthesized image data*).

As to claim 14, Hara discloses the image data processing system as defined in claim 13, wherein the second image data is obtained by a camera built into the second portable terminal (*Fig. 2, element 30 and paragraph 84, wherein the imaging section corresponds to a camera*).

As to claim 15, Hara discloses the image data processing system as defined in claim 13, wherein the second portable terminal comprises a processing module for processing the second image, said processing comprises at least one of density correction, white balance adjustment, gradation correction, color correction, enlargement, and sharpness correction (*paragraph 60, 61 and 62*).

As to claim 20, Hara discloses the image data processing system as defined in claim 13, wherein the first and second portable terminal apparatuses are cellular telephones (*Fig. 3 and paragraphs 43 and 49*).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2001/0012051 to Hara et al. ("Hara") in view of USPN 5,953,050 to Kamata et al. ("Kamata").

As to claim 1, Hara discloses an image data processing method for a portable terminal apparatus comprising:

obtaining first image data by photography (*Fig. 2, element 30, paragraph 0043 and 0084, lines 5-8, wherein a camera corresponds to an imaging means and the image data taken by the imaging section corresponds to the first image data*);

transmitting the obtained image data (*Fig. 2, element 62, 63 and 64 and paragraph 0076, wherein the antenna, RF section and multiplex/demultiplex section corresponds to a communication means over which the obtained image data is transmitted*);

administering image processes on the first image data to obtain processed image data (*paragraph 0050 and 0060, wherein the image processor corresponds to the image processing means*);

Combining other image data transmitted by *another portable terminal apparatus* with the first image data to obtain synthesized image data (*paragraph 0084, 0086 and 0087 wherein image data received from the destination corresponds to other image data and is displayed with the image data being transmitted in a small window on the LCD which corresponds to combining the images to obtain synthesized image data*).

Displaying the synthesized image (*paragraph 0059, wherein the display section corresponds to a display means and is capable of performing various types of displays like displaying image data, messages, communication conditions and other info*);

The method being implemented by:

Hara does not disclose expressly wherein combining other image data transmitted by *other portable apparatuses* with the first image data to obtain synthesized image data.

However, Kamata discloses an image data processing method for a terminal apparatus comprising of combining other image data transmitted by other terminal apparatuses with first image data to obtain synthesized image data (*column 5, line 63 – column 6, line 2, wherein Kamata discloses receiving image data from each of the terminals, combining or synthesizing each of the images received into a composite image and then sending the composite back to each of the terminals. Therefore the first image data of a hypothetical user at a first terminal is combined with other image data transmitted by other portable terminal apparatuses to obtain a synthesized image or composite image and the composite image is then displayed on the first terminal display*).

Hara & Kamata are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of combining other image data transmitted by other terminal apparatuses with first image data to obtain synthesized image data, as taught by Kamata, with the image data processing method for a portable apparatus disclosed by Hara.

The suggestion/motivation for doing so would have been to provide the ability to allow participants to hold a video conference while watching the composite image (Kamata, column 1, lines 26-27).

Therefore, it would have been obvious to combine Hara with Kamata to obtain the invention as specified in claim1.

As to claim 2, the combination of Hara and Kamata disclose an image data processing method as defined in claim 1, wherein the synthesized image data is obtained by cutting a portion of images representing the other image data and a portion of an image representing the first image data to match the size of a display displaying the synthesized image (*Kamata, column 6, lines 3-18 and column 10, lines 13-34, wherein the composite image is obtained by trimming the image of the current speaker to 75% and each non-speaker to 25% and combining the images for display on one display which corresponds to matching the size of the display means. Kamata further discloses that the process of reducing the size of the images includes sampling the X and Y coordinates of the image to be reduced accordingly with the ratio of the final image desired (column 10, lines 13-25). The process of sampling removes pixels of image to produce a reduced size image, wherein removing pixels of the image corresponds to cutting a portion of the images (column 10, lines 26-34)).*

As to claim 3, please refer to the rejection of claim 1 above.

As to claim 4, please refer to the rejection of claim 2 above.

As to claim 5, please refer to the rejection of claim 1 above.

As to claim 6, please refer to the rejection of claim 2 above.

As to claim 7, the combination of Hara and Kamata discloses the image data processing method as defined in claim 1, wherein said combining comprises:

Obtaining first user input designating a portion of the first image data that is to be kept (*Kamata, column 6, lines 20-32, wherein the user specifies the arrangement of images to be displayed corresponding to first user input*);

Cutting the remaining of the first image based on the first user input (*Kamata, column 6, lines 20-32, wherein the images are reduced in size according to the user input*);

Obtaining second user input designating a portion of the other image data that is to be kept (*Kamata, column 6, lines 20-32, wherein the user specifies the arrangement of images to be displayed corresponding to second user input*);

Cutting the remaining other image data based on the second user input (*Kamata, column 6, lines 20-32, wherein the images are reduced in size according to the user input*); and

Synthesizing the portion first image and the portion of the second image into a single synthesized image based on third user input (*Kamata, column 6, lines 20-32, wherein the images are reduced in size according to the user input and combined to create a single synthesized image for display according to the user input which corresponds to third user input*).

As to claim 8, the combination of Hara and Kamata disclose the image data processing method as defined in claim 1, wherein the other image data is obtained by photography performed by the other portable terminal apparatuses (*Kamata, column 5, line 63 – column 6, line 2, wherein the image data is obtained at each portable terminal apparatus using a video camera and this corresponds to obtaining image data by photography*).

As to claim 9, the combination of Hara and Kamata disclose the image data processing method as defined in claim 1, wherein the first image data and other image data are still images (*Hara, paragraph 51 and Kamata, column 5, line 63 – column 6, wherein the image processing is performed on individual still images of the video signal*).

As to claim 12, the combination of Hara and Kamata disclose the image data processing method as defined in claim 1, wherein the obtaining of the first image data and the combining of the first image data with the other image data is performed in same portable terminal apparatus (*Hara, paragraph 0084*).

14. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara and Kamata in view of US 2006/0125927 to Watanabe.

As to claim 10, the combination of Hara and Kamata discloses the image data processing method as defined in claim 1.

The combination of Hara and Kamata does not disclose expressly receiving user input designating intended use for the obtained first image and generating location data based on the user input, wherein the location data designates a location for performing the image processes, wherein different image processes are performed at different locations.

However, Watanabe discloses an image data processing method comprising receiving user input designating intended use for the obtained first image (*Fig. 6 and 7 and paragraphs 115-117*) and generating location data based on the user input, wherein the location data

designates a location for performing the image processes, wherein different image processes are performed at different locations (*Figs 9 and paragraph 121, Fig. 23 and paragraph 201, wherein location data of the image processes corresponds to the phone number of the other cell phone or the initiation of communication with the printer*).

Hara, Kamata & Watanabe are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the process of receiving user input and generating location data, as taught by Watanabe, with the image data processing method disclosed in the combination of Hara and Kamata.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (Watanabe, paragraph 9).

Therefore, it would have been obvious to combine Hara and Kamata with Watanabe to obtain the invention as specified in claim 10.

As to claim 11, the combination of Hara, Kamata and Watanabe disclose the image data processing method as defined in claim 10, wherein the different locations comprise the portable terminal apparatuses (*Watanabe, Figs 9 and paragraph 121*), an image server remote from the portable terminal apparatuses (*Watanabe, paragraphs 122, 125 and 126, wherein the digital still camera corresponds to the image server remote from the portable terminal apparatuses*), and a printing laboratory remote from the image server and the portable terminal apparatuses (*Watanabe, Fig. 23 and paragraph 201*).

15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara in view of US 2003/0140104 to Watanabe et al. (“Watanabe”).

As to claim 16, Hara discloses the image data processing system as defined in claim 13, further comprising an image server (*paragraph 49, wherein the portable terminal corresponds to the image server*), wherein the image server comprises a communication module that transmits and receive image data from the first and second portable terminal apparatuses (*paragraph 79, wherein the communication management center corresponds to a communication module*) and a processing module that processes the received image data (*paragraph 60, wherein the image data processing section corresponds to a processing module*).

Hara does not disclose expressly a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data.

However, Watanabe discloses a system for image data processing including a location generating module that generates an URL location indicating where the received image data is stored, and an email generating module that generates an email message having the generated URL location for the received image data (*paragraph 47 and 48*).

Hara & Watanabe are combinable because they are from art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the location generating module and email generating module, as taught by Watanabe, to the system for image data processing disclosed by Hara.

The suggestion/motivation for doing so would have been to save transmission costs of email attached with image and to save memory resource (*Watanabe, paragraph 5*).

Therefore, it would have been obvious to combine Hara with Watanabe to obtain the invention as specified in claim 16.

16. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara and Watanabe in view of USPN 6,519,048 to Tanaka.

As to claim 17, the combination of Hara and Watanabe discloses the image data processing system as defined in claim 16.

The combination of Hara and Watanabe does not disclose expressly a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed.

However, Tanaka discloses an image data processing system including a printing laboratory, wherein the printing laboratory comprises a communication module that transmits and receives image data from the first and second portable terminal apparatuses, and a notifying module that notifies at least one of the first and second portable terminal apparatuses when the received image data is printed (*column 4, lines 11-30 and column 6, line 66 – column 7, line 17*).

Hara, Watanabe & Tanaka are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the printing laboratory, as taught by Tanaka, with the image data processing system disclosed by Hara and Watanabe.

The suggestion/motivation for doing so would have been to provide an information processing apparatus in which an output result of a print or the like can be promptly, easily, and visually confirmed on a issuer of a job such as a print or the like (Tanaka, column 2, lines 32-36).

Therefore, it would have been obvious to combine Hara and Watanabe with Tanaka to obtain the invention as specified in claim 17.

As to claim 18, the combination of Hara, Watanabe and Tanaka disclose the image data processing system as defined in claim 17, wherein each of the first and second portable terminal apparatuses and the printing laboratory comprises a download module that reads the email message generated by the image server and obtains the URL location from the email message and downloads image data designated by the URL location (*Watanabe, paragraph 29 and Tanaka, column 10, lines 3-8*).

17. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara, Watanabe and Tanaka in view of US 2006/0125927 to Watanabe (“Watanabe2”).

As to claim 19, the combination of Hara, Watanabe and Tanaka discloses the image data processing system as defined in claim 18, wherein each of the first and second portable terminal apparatuses comprises an input module that receives user input (*Hara, Fig. 3, element 61*).

The combination Hara, Watanabe and Tanaka does not disclose expressly wherein the user input comprises designating intended use for a respective image data from the first and second image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data.

However, Watanabe2 discloses an image data processing system wherein portable terminal apparatuses comprise an input module that receives user input (*Fig. 6 and 7 and paragraphs 115-117*), and wherein the user input comprises designating intended use for a respective image data, and wherein, based on the designated intended use, one of the processing modules of the respective portable terminal apparatus, the image server, and the printing laboratory processes the respective image data (*Fig. 6 and 7 and paragraphs 115-117, 121, 122, 125, 126, 196 and 201*).

Hara, Watanabe, Tanaka & Watanabe2 are combinable because they are from the same art of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the process of designating intended use for image data in accordance with user input, as taught by Watanabe2, with the image data processing system disclosed by the combination of Hara, Watanabe and Tanaka.

The suggestion/motivation for doing so would have been to provide a process of transmitting image data in a relatively short period of time (*Watanabe2, paragraph 9*).

Therefore, it would have been obvious to combine Hara, Watanabe and Tanaka with Watanabe2 to obtain the invention as specified in claim 19.

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Aaron Carter  
AU 2624